

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

XR COMMUNICATIONS, LLC, dba
VIVATO TECHNOLOGIES,

Plaintiff,

v.

AT&T SERVICES INC.; AT&T MOBILITY
LLC; and AT&T CORP.,

Defendants,

NOKIA OF AMERICA CORPORATION and
ERICSSON INC.,

Intervenors.

Case No. 2:23-cv-00202-JRG-RSP
(Lead Case)

JURY TRIAL DEMANDED

JOINT STIPULATION OF DISMISSAL AS TO NOKIA PRODUCTS

Plaintiff XR Communications, LLC, dba Vivato Technologies (“Vivato”) and Defendants AT&T Services, Inc., AT&T Mobility LLC, AT&T Corp. (“AT&T”), Verizon Communications, Inc., Cellco Partnership d/b/a Verizon Wireless (“Verizon”), and T-Mobile USA, Inc., (“T-Mobile”) (AT&T, Verizon, and T-Mobile are collectively referred to as the “Defendants”) and Intervenor Nokia of America Corporation (“Nokia”) (collectively, “Parties”) jointly request and stipulate to a dismissal with prejudice of Plaintiff’s claim for infringement of U.S. Patent No. 8,737,511 (the “511 Patent”); U.S. Patent No. 10,715,235 (the “235 Patent”); and U.S. Patent No. 7,177,369 (the “369 Patent”) (collectively, “Asserted Patents”), and U.S. Patent Nos. 8,289,939; 11,750,256; and 11,777,569 (collectively, “Dropped Patents”) with respect to Nokia products only. The Parties also jointly request a dismissal without prejudice of Nokia’s counterclaims against Plaintiff for Declaratory Judgment of Non-Infringement of the Asserted and Dropped Patents. *See* Dkt. Nos. 60-62; Case No. 2:23-cv-470-JRG-RSP at Dkt. Nos. 36-38. The

stipulation is made for the purposes of simplifying issues in this litigation. It should not be taken as a position by Vivato that Nokia products do not infringe the Asserted and Dropped Patents.

For the sake of clarity, this Stipulation of Dismissal is limited to the claims and counterclaims applicable only to Nokia products with respect to the Asserted and Dropped Patents and does not apply to claims, or counterclaims applicable to the Asserted Patents with respect to any Ericsson products.

Dated: June 18, 2025

/s/ Reza Mirzaie

Reza Mirzaie (CA SBN 246953)
rmirzaie@raklaw.com
Neil Rubin (CA SBN 250761)
nrubin@raklaw.com
Paul A. Kroeger (CA SBN 229074)
pkroeger@raklaw.com
Philip X. Wang (CA SBN 262239)
pwang@raklaw.com
Adam Hoffman (CA SBN 218740)
ahoffman@raklaw.com
Jacob Buczko (CA SBN 269408)
jbuczko@raklaw.com
James N. Pickens (CA SBN 307474)
jpickens@raklaw.com
Minna Y. Jay (CA SBN 305941)
mjay@raklaw.com
Christian Conkle (CA SBN 306374)
cconkle@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Blvd. 12th Floor
Los Angeles, CA 90025
Phone: (310) 826-7474

Andrea L. Fair
TX State Bar No. 24078488
MILLER FAIR HENRY PLLC
1507 Bill Owens Parkway
Longview, TX 75604
Telephone: 903-757-6400
andrea@millerfairhenry.com

Respectfully submitted,

/s/ Matthew S. Yungwirth

Melissa R. Smith (TBN 24001351)
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Deron R. Dacus (TBN 00790553)
ddacus@dacusfirm.com
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite 430
Tyler, Texas 75701
Telephone: 903.705.1117

Matthew S. Yungwirth
msyungwirth@duanemorris.com
Alice E. Snedeker
aesnedeker@duanemorris.com
John R. Gibson
jrgibson@duanemorris.com
DUANE MORRIS LLP
1075 Peachtree Street NE
Suite 1700
Atlanta, Georgia 30309
Telephone: 404.253.6900
Facsimile: 404.253.6901

William A. Liddell
waliddell@duanemorris.com
DUANE MORRIS LLP
2801 Via Fortuna

*Counsel for Plaintiff XR Communications,
LLC dba Vivato Technologies*

Suite 200
Austin, Texas 78746-7567
Telephone: (512) 277-2272
Facsimile: (512) 227-2301

Tyler Marandola
tmarandola@duanemorris.com
DUANE MORRIS LLP
30 S. 17th Street
Philadelphia, PA 19103
Telephone: (215) 979-1000

Elissa Sanford
esanford@duanemorris.com
DUANE MORRIS LLP
901 New York Avenue NW
Suite 700 East
Washington, D.C. 20001-4795
Telephone: (202) 776-5231

Counsel for Defendants / Intervenors

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for the Parties met and conferred to discuss the substantive issues addressed in this Motion pursuant to Local Rule CV-7(h). The Parties jointly seek the relief sought herein.

/s/ Reza Mirzaie
Reza Mirzaie

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on June 18, 2025.

/s/ Reza Mirzaie
Reza Mirzaie